



DEPARTMENT OF HEALTH & HUMAN SERVICES

Office of the General Counsel

Office of the Chief Counsel
Food and Drug Administration
5600 Fishers Lane, GCF-1
Rockville, MD 20857

5136 704 191-7 7288

April 7, 2004

Dockets Management Branch (HFA-305)
Food and Drug Administration, Room 1061
5630 Fishers Lane
Rockville, MD 20852

Re: In re Korangy Radiology Associates, P.A., et al.
FDA Docket No. 2003H-0432

Dear Sir or Madam:

Enclosed for filing in the above-captioned matter is the original and one copy of Complainant's Motion To Amend Complainant's Motion For Partial Summary Judgment and proposed Order.

If you have any questions, please call me at (301) 827-7138. Thank you.

Sincerely yours,

Douglas A. Terry
Assistant Chief Counsel
for Enforcement

Enclosures

cc w/enc.:

Hon. Daniel J. Davidson, A.L.J.
Henry E. Schwartz

2003H-0432

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UNITED STATES OF AMERICA
BEFORE THE FOOD AND DRUG ADMINISTRATION
DEPARTMENT OF HEALTH AND HUMAN SERVICES

_____)	
In the Matter of)	
)	ADMINISTRATIVE COMPLAINT
KORANGY RADIOLOGY ASSOCIATES, P.A.,)	<u>FOR CIVIL MONEY PENALTY</u>
trading as BALTIMORE IMAGING CENTERS,)	
a corporation,)	
)	
and)	FDA Docket: 2003H-0432
)	
AMILE A. KORANGY, M.D.,)	
an individual.)	
_____)	

COMPLAINANT'S MOTION TO AMEND COMPLAINANT'S
MOTION FOR PARTIAL SUMMARY JUDGMENT

Complainant, the Center for Devices and Radiological Health, Food and Drug Administration, United States Department of Health and Human Services, moves to amend Complainant's Motion for Partial Summary Judgment (Summary Judgment Motion), which was filed on April 2, 2004. Pursuant to the scheduling order in this matter, 21 C.F.R. § 17.32 was modified to require that written motions and responses thereto include a draft order. See Order, filed November 13, 2003. Complainant did not include a draft order with its Summary Judgment Motion. Accordingly, Complainant requests that it be permitted to amend its Summary Judgment Motion by filing a draft order granting the Summary Judgment Motion. A proposed order granting this motion to amend is attached hereto.

DATED: April 7, 2004.

Respectfully submitted,

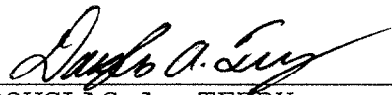
A handwritten signature in cursive script, appearing to read "Douglas A. Terry", is written over a horizontal line.

Douglas A. Terry
Attorney for Complainant
Center for Devices and Radiological Health
5600 Fishers Lane (GCF-1)
Rockville, MD 20857
Telephone: (301) 827-7138

CERTIFICATE OF SERVICE

I hereby certify that, on this seventh day of April, 2004, I have caused a copy of the foregoing Complainant's Motion To Amend Complainant's Motion For Partial Summary Judgment to be served by Federal Express overnight delivery, on:

Henry E. Schwartz
Henry E. Schwartz LLC
Attorney for Respondents
901 Dulaney Valley Road, Suite 400
Towson, MD 21204



DOUGLAS A. TERRY
Attorney for Complainant
5600 Fishers Lane (GCF-1)
Rockville, MD 20857

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ORDER

By motion received in this office on April 7, 2004, Complainant, the Center for Devices and Radiological Health, Food and Drug Administration, United States Department of Health and Human Services, requested that it be permitted to amend Complainant's Motion for Partial Summary Judgment (Summary Judgment Motion), which was filed on April 2, 2004, by filing a draft order granting the Summary Judgment Motion.

It appearing, that 21 C.F.R. § 17.32 was modified to require that written motions and responses thereto include a draft order pursuant to the scheduling order in this matter,

It is ORDERED, that the motion is hereby granted and that Complainant shall file a draft order granting the Summary Judgment Motion within ten days of the date of this Order.
Dated this _____ day of April, 2004.

Daniel J. Davidson
Administrative Law Judge
U.S. Food and Drug Administration
Room 9-57, HF-3
5600 Fishers Lane
Rockville, MD 20857